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10/675,434

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Jeyhan Karaoguz

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EXAMINER

LANGHNOJA, KUNAL N

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,434	Applicant(s) KARAOGUZ ET AL.	
	Examiner KUNAL LANGHNOJA	Art Unit 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/09/2008 has been entered.

Miscellaneous

Please note that the examiner of record for this application has changed.

Response to Arguments

1. Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., recipient requesting information from sharer) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-9, 11-19, 21-38, & 40-44** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Finseth et al. (US Patent No. 6,813,775 B1)**, in view of **Aras et al (United States Patent 5,872,588)**.

With respect to Claim **1**, the claimed "*A method of communication activity information to support user interaction in a communication network, the method comprising: receiving at least one condition, at a first location, the at least one condition defining when an indication of media consumption activity is sent by the first location to at least a second location, via the communication network*" is met by **Finseth et al.** that teach a method of sharing viewer preference information, between a first user and a second user at distinct locations, whereby the first user can select to regularly share preference information by establishing a share interval (*Figs. 1, 11, & 12; Abstract; col. 12, lines 49-51; col. 15, lines 40-42, line 66 - col. 16, line 3, 12-18, & 29-38*).

The claimed "*receiving a request for media consumption, from a first user at the first location;*" is met by **Finseth et al.** that teach the selection of a particular channel to watch on television 66 using remote control 86 at a first location, 34A, and the subsequent storage of information related to each media program chosen (*Fig. 1 & 3; col. 9, 1-4; col. 10, lines 14-24*).

The claimed "at the time of said receiving the request for media consumption, from the first user at the first location, sending at least one indication of media consumption activity to a second user at the second location, via the communication network, if the at least one condition is met to enable interaction of the first and second user during media consumption by the first user; and refraining from sending at least one indication of media consumption activity to the second user at the second location, via the communication network, if the at least one condition is not met" is met by the Finseth et al. reference that teaches the transmittal of a 1st user's preference information, containing information regarding the viewing history of television programs selected, to a 2nd user via a communication network- whereby this transmittal can be automatic and performed at specific sharing intervals such as daily, weekly, & monthly (*Fig.11; col.10, lines 13-24; col.15, lines 37-50; col.16, lines 12-38*). However, the reference is unclear with respect to it necessarily being 'during media consumption'.

In the similar field of endeavor, Aras provides evidence that the technique for providing an indication of media usage "during media consumption (i.e. real-time reporting)" (Col.17 lines 57-66) is known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Finseth to operate 'during media consumption' because the technique for improving a particular class of devices was part of the ordinary capabilities of a person of ordinary skill in the art and further enables for the determining advertisement of effectiveness, and targeting advertisement based on viewing habits.

With respect to Claim **2**, the claimed "*wherein each of the first location and the second location are associated with one or more of an Internet protocol (IP) address, a media access control (MAC) address, and/or an electronic serial number (ESN)*" is met by Finseth et al. that teach the use of a the Internet in transferring data to and from receiver stations, 34 (*col.7, lines 44-48; col. 12, lines 42-45; col.14, lines 40-43*). The use of IP addresses is necessary to selectively address and direct data among set-top boxes exchanging data on an Internet network.

With respect to Claim **3**, the claimed "*wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure*" is met by Finseth et al. that teach the use of a communication network such as the Internet (*col.7, lines 44-48; col.12, lines 42-45; col.14, lines 40-43*).

With respect to Claim **4**, the claimed "*wherein the communication network is the Internet*" is met by Finseth et al. that teach the use of a communication network such as the Internet (*col.7, lines 44-48; col.12, lines 42-45; col.14, lines 40-43*).

With respect to Claim **5**, the claimed "*wherein the media comprises at least one or more of audio, a still image, video, real time video, and/or data*" is met by Finseth et al. that teach the reception by a first user at a first location, receiver station 34, of audio, video, and data signals (*Fig.3; col.7, lines 20-21*).

With respect to Claim **6**, the claimed “*wherein consumption comprises one or more of playing audio, displaying a still image, displaying video, and/or displaying data*” is met by (Fig.3; col.7, lines 22-26, 66-67; col.9, lines 2-3).

With respect to Claim **7**, the claimed “*receiving an identifier identifying the second location; and the identifier comprising one or more of a legal name, a given name, a screen name, a user identifier, a network identifier, an Internet protocol (IP) address, a media access control (MAC) address, and/or an electronic serial number*” is met by Finseth et al. that teach the use of a name, telephone, or Internet address to indicate a 2nd user to whom viewer preference information will be sent to by a 1st user (Figs.7, 9, & 10; col.12, lines 25-29, 42-45; col.14, line 63—col.15, line 23).

With respect to Claim **8**, the claimed “*wherein the at least one condition comprises one or more of a day, a date, a time, time period, a user identifier, a source of media being accessed, a media channel type, a mode, a media format, a genre, a language, a subject, and/or an artist*” is met by Finseth et al. that teach the selection by a 1st user, for the selective transmittal of viewer preference information, of sharing intervals such as a day, a week, & a month. (Fig.11; col.12, lines 49-51; col.15, lines 30-50).

With respect to Claim **9**, the claimed “*wherein the at least one indication of media consumption activity comprises one or more of a title, a subject, a user identifier, a source of media being accessed, a media channel type, a mode, a media format, a genre, a language, a subject, and/or an artist*” is met by Finseth et al. that teach the transmittal of a viewer’s preference information from a 1st user to a 2nd user, whereby viewer preference information includes: the type and category of the television program,

Art Unit: 2427

name descriptors that serve to identify the name of the program selected, credit information, and keywords/ phrases used in the description of the program (*col.10, lines 25-32*).

Claim **11** is met as previously discussed with respect to Claim **1**, since the claims are essentially an interchanging of a 1st location with a 2nd location.

Claim **12** is met as previously discussed with respect to Claim **2**.

Claim **13** is met as previously discussed with respect to Claim **3**.

Claim **14** is met as previously discussed with respect to Claim **4**.

Claim **15** is met as previously discussed with respect to Claim **5**.

Claim **16** is met as previously discussed with respect to Claim **6**.

Claim **17** is met as previously discussed with respect to Claim **7**.

Claim **18** is met as previously discussed with respect to Claim **8**.

Claim **19** is met as previously discussed with respect to Claim **9**.

With respect to Claim **21**, the claimed "*initiating, from the first location, an exchange of streaming media between the first location and the second location, if the at least one condition is met; and refraining from initiating, from the first location, an exchange of streaming media between the first location and the second location, if the at least one condition is not met*" is met by Finseth et al. that teach a method of sharing viewer preference information, between a first user and a second user at distinct locations, via the use of select receivers designated to function as servers by collecting, combining, and redistributing the combined preference information to all members of a group,

Art Unit: 2427

including the 2nd user that initially sent their viewer preference information (*col.13, lines 55-62*).

With respect to Claim **22**, the claimed “*a television display, at a first location, to support the consumption of media by a user; a storage, at the first location, communicatively coupled to the television display, and having an associated first network address; set top box circuitry, at the first location, the set top box circuitry communicatively coupling the television display to the communication network*” is met by Finseth et al. that teach the use of a television 66, memory 78, interface 82, and set top box circuitry within receiver 64 having a specific network address at a 1st location (*Figs.1 & 3; col.7, lines 19-27; col.14, lines 40-43*).

The claimed “*at least one user defined identifier identifying a second user second location*” is met Finseth et al. that teach the use of a name, telephone, or Internet address to indicate a 2nd user from which viewer preference information will be accepted by a 1st user (*Fig.14, lines 59-65*). The claimed “*at least one user defined condition for notifying the first user*” is met by Finseth et al. that the use of a list of recognizable sources from whom viewing preference information will be accepted as well as the types of preference information that will be accepted (*Fig.15; col.13, lines 4-9; col.17, lines 29-44*).

The claimed “*software that receives at least one indication of media consumption activity from the second user at the second location, via the communication network, and that responds by notifying the first user at the time of receipt of the at least one indication of media consumption activity and if the at least one user defined condition is*

Art Unit: 2427

met to enable interaction of the first user and second user during media consumption by the second user, and that refrains from notifying the first user if the at least one user defined condition is met" is met by Finseth et al. that teach the use of CPU 74 in determining the type and amount of information from a particular source to accept & store (col.13, lines 4-9; col.17,lines 29-44). However, the reference is unclear with respect to it necessarily being 'during media consumption'.

In the similar field of endeavor, Aras provides evidence that the technique for providing an indication of media usage "during media consumption (i.e. real-time reporting)" (Col.17 lines 57-66) is known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Finseth to operate 'during media consumption' because the technique for improving a particular class of devices was part of the ordinary capabilities of a person of ordinary skill in the art and further enables for the determining advertisement of effectiveness, and targeting advertisement based on viewing habits.

Claim **23** is met as previously discussed with respect to Claim **5**.

Claim **24** is met as previously discussed with respect to Claim **6**.

Claim **25** is met as previously discussed with respect to Claim **2**.

Claim **26** is met as previously discussed with respect to Claim **3**.

Claim **27** is met as previously discussed with respect to Claim **7**.

With respect to Claim **28**, the claimed "*wherein the at least one user defined condition comprises a day, a date, a time, a time period, a user identifier, a source of media being accessed, a media channel type, a mode, a media format, a genre, a*

Art Unit: 2427

language, a subject, and an artist" is met by Finseth et al. that teach the use of a name, phone or internet to indicate from which users viewer preference information will be accepted from (*Figs.13 & 14; col.16, lines 40-67*).

Claim **29** is met as previously discussed with respect to Claim **9**.

Claim **30** is met as previously discussed with respect to Claim **1**, since the claims are essentially an interchanging of a 1st location with a 2nd location.

Claim **31** is met as previously discussed with respect to Claim **2**.

Claim **32** is met as previously discussed with respect to Claim **3**.

Claim **33** is met as previously discussed with respect to Claim **4**.

Claim **34** is met as previously discussed with respect to Claim **5**.

Claim **35** is met as previously discussed with respect to Claim **6**.

Claim **36** is met as previously discussed with respect to Claim **7**.

Claim **37** is met as previously discussed with respect to Claim **8**.

Claim **38** is met as previously discussed with respect to Claim **9**.

Claim **40** is met as previously discussed with respect to Claim **22**.

Claim **41** is met as previously discussed with respect to Claim **5**.

Claim **42** is met as previously discussed with respect to Claim **6**.

Claim **43** is met as previously discussed with respect to Claim **3**.

Claim **44** is met as previously discussed with respect to Claim **9**.

2. Claims **10 & 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Finseth et al. (US Patent No. 6,813,775 B1)**, in view of **Aras et**, further in view of **Ellis et al. (US PG Pub 2006/0031883 A1)**.

With respect to Claim **10**, the claimed "*wherein the at least one condition is received from a location remote from the first location, via the communication network*" is not specifically met by the Finseth et al and Aras et al, the combination. However, in the

Art Unit: 2427

same field of endeavor, Ellis et al. teach a method in which a user can remotely access interactive television program guide equipment 22, via a remote program guide access device 24, to modify program guide functions via a communication network. (*Figs. 1-3; Abstract; paragraphs [0012], [0044], [0053], [0061], [0062], [0064], [0075], [0092]*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have incorporated the teachings of the Ellis et al. reference with those of the combination in order to allow a user to remotely access/ modify to whom/when viewer preference information will be sent out. A person of ordinary skill in the art would have been motivated to make such a modification to the combination in order to eliminate the need for a user to be physically present at a first location to access/modify criteria pertinent to their viewer preference information.

Claim **39** is met as previously discussed with respect to Claim **10**.

3. Claim **20** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Finseth et al. (US Patent No. 6,813,775 B1)**, in view of **Aras et al**, further in view of **Kerman (US Patent No. 5,659,366)**.

With respect to Claim **20**, the claimed "*wherein the notifying comprises one or more of displaying an image, generating sound, and/or illuminating a light emitting diode representing the receipt of the at least one activity indication*" is not specifically taught by the combination. However, in the same field of endeavor, Kerman teaches the use of a set top box in notifying a user, via a visible alarm and/or an audible alarm (LED or audible beeping tone), of the occurrence of an event- which may be the reception of a

Art Unit: 2427

data message (*Fig.2; Abstract; col.1, lines 8-12; col.3, lines 26-32; col.4, lines 48-50, 55-58; col.5, lines 14-15; col.6, lines 47-52*).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have incorporated the teachings of the Kerman reference with those of the combination in order to allow a user to be notified of viewer preference information being received. A person of ordinary skill in the art would have been motivated to make such a modification to the combination in order to ensure that a user at a 1st location is aware of the delivery of viewer preference information from a 2nd location.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KUNAL LANGHNOJA whose telephone number is 571-270-3583. The examiner can normally be reached on M-F 9 A.M- 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on 571-272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2427

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KL

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427